UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,775	01/27/2004	Michael Husayn Kalantar	AUS920030619US1	2457

35525 7590 09/04/2007		
IBM CORP (YA)	EXAMINER	
C/O YEE & ASSOCIATES PC	DAILEY, THOMAS J	
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DALLAS, TX 75380	ART UNIT	PAPER NUMBER
	2152	

MAIL DATE	DELIVERY MODE
09/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/765,775	KALANTAR ET AL.
	Examiner	**Art Unit**	
	Thomas J. Dailey	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/27/2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *1/27/2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-36 are pending in this application.

Claim Objections

2. Claim 8 is objected to due to a typographical error; "enviornment" (line 8) is

misspelled.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4. Claims 25-36 are rejected under 35 U.S.C.101 because the claimed invention is

directed to non-statutory subject matter. The claims are drawn to a computer

program product which comprises instruction means. The instruction means,

interpreted in light of the specification and other claims, is software. Software

alone is functional descriptive material and is non-statutory when not embodied

on a computer storage medium.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

7.   Claims 3, 15, and 27, recite, "said other ones." (e.g. claim 3, lines 4 and 8). It is

unclear what "other ones" refers back to.

8.   Claims 13-24 consistently refer to "said system" (e.g. claim 13, lines 3, 8, and

13).   The preamble of claim 13 recites two systems, "**A system** for logically

provisioning resources in **a data processing system.**" It is unclear what "said

system" is referring to.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

10. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Nawata

(US Pub. No. 2004/0125801).

11. As to claim 1, Nawata a method for logically provisioning resources in a data

processing system, said method comprising the steps of:

receiving a request for one of a plurality of resources in a provisioning

environment, said one of said plurality of resources being one of a plurality of

different types of resources ([0046], a router requests an IP address (resource));

selecting a particular instance of said one of said plurality of resources from a

group of unassigned available resources of said plurality of different types of

resources ([0046], DHCP server assigns IP address (resource) to requesting

router); and

logically provisioning said selected particular instance to fulfill the request by

establishing logical relationships between said selected particular instance and

other resources ([0047] and [0048], lines 1-9, DDNS server is informed of the

newly assigned router address and the address is further associated with server

information via the NAT (network address translator)).

12. As to claims 13 and 25, they are rejected by the same rationale set forth in claim

1's rejection.

13. As to claims 2, 14, and 26, Nawata discloses identifying other ones of said

plurality of resources that said selected particular instance requires for use

([0047] and [0048], lines 1-9, the newly assigned IP address is associated with

various resources via the NAT and the DDNS server).

14. As to claims 3, 15, and 27, Nawata discloses:

selecting a particular instance for each of said other ones from a group of

unassigned available resources of said plurality of different types of resources

that said selected particular instance requires for use ([0047] and [0048], lines 1-

9); and

logically provisioning said selected particular instance for each of said other

ones to fulfill a request by establishing logical relationships between each of said

other ones ([0047] and [0048], lines 1-9, the newly assigned IP address is

associated with various resources via the NAT and the DDNS server). .

15. As to claims 4, 16, and 28, Nawata discloses indicating that said selected

particular instance is in the process of being reserved, said selected particular

instance being unavailable for selection after being indicated as in the process of

being reserved ([0046], a DHCP server inherently has reserved IP address, (i.e.

addresses that are already assigned or one's assigned that were given an infinite

lease).

16. As to claims 5, 17, and 29, Nawata discloses said group of unassigned available

resources including no preassigned logical associations with any other one of

said plurality of resources ([0046], an available IP address on a DHCP server is

inherently unaffiliated with other resources (i.e. another computer)).

17. As to claims 6, 18, and 30, Nawata discloses:

associating a state variable with each one of said plurality of resources

([0046], a DHCP server inherently keeps track of the state of IP addresses, such

as available or unavailable);

indicating whether each one of said plurality of resources is available to be

selected utilizing said state variable ([0046], a DHCP server assigns an available

IP address).

18. As to claims 7, 19, and 31, Nawata discloses:

associating a state variable with each one of said plurality of resources

([0048], the Network Address Translator (NAT) associates the global IP address

with various local IP addresses (i.e. the IP address is shared among multiple

servers));

indicating whether each one of said plurality of resources is shared utilizing

said state variable ([0048], when the NAT associates the router's global IP

address with multiple local IP address that is an indication that the router's IP

address is shared).

19. As to claims 8, 20, and 32, Nawata discloses:

associating a state variable with each one of said plurality of resources

([0046], a DHCP server inherently keeps track of the state of IP addresses, such

as available or unavailable);

indicating whether each one of said plurality of resources is reserved utilizing

said state variable, wherein a reserved resource has an established logical

relationship with said provisioning environment ([0046], a DHCP server will not

assign an already allocated IP address).

20. As to claims 9, 21, and 33, Nawata discloses:

creating a topology for said provisioning environment, said topology including

a layout of said plurality of different types of resources ([0048], lines 1-9, the NAT

associates the router's global IP address with multiple local IP address and a

translation table is utilized to determine which particular packets should go to a

particular local IP address, this translation table reads on a topology); and

said layout defining relationships among said plurality of different types of

resources ([0048], lines 1-9, the NAT associates the router's global IP address

with multiple local IP address associated with servers).

21. As to claims 10, 22, and 34, Nawata discloses utilizing said relationships defined

by said layout to identify other ones of said plurality of resources that said

selected particular instance requires for use ([0048], lines 1-9).

22. As to claims 11, 23, and 35, Nawata discloses determining other ones of said

    plurality of resources that are to be associated with said particular instance

    ([0048], lines 1-9).

23. As to claims 12, 24, and 36, Nawata discloses determining other ones of said

    plurality of resources that depend on said particular instance ([0048], lines 1-9).

Conclusion

24. For additional prior art made of record and not relied upon and considered

    pertinent to applicant's disclosure see attached Notice of References Cited, Form

    PTO-892.

25. Any inquiry concerning this communication or earlier communications from the

    examiner should be directed to Thomas J. Dailey whose telephone number is

    571-270-1246. The examiner can normally be reached on Monday thru Friday;

    9:00am - 5:00pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

    supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax

    phone number for the organization where this application or proceeding is

    assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.
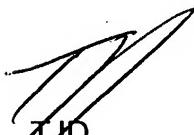
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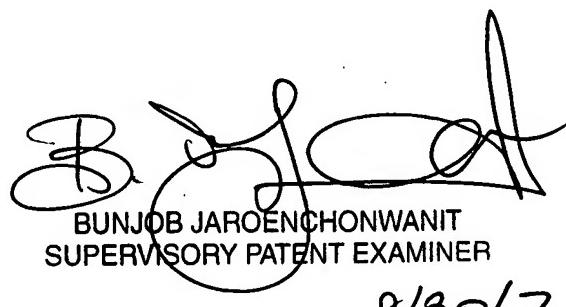
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